MEETING #24 – June 12

At a Regular Meeting (#1) of the Madison County Board of Supervisors on June 12, 2018 at 4:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman

Jonathon Weakley, Vice-Chairman

Kevin McGhee, Member Charlotte Hoffman, Member Amber Foster, Member

Jack Hobbs, County Administrator

Mary Jane Costello, Asst. County Administrator/Finance Director

Frank Thomas, Interim County Attorney

Jacqueline S. Frye, Deputy Clerk

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson advised that all members are present; a quorum was established.

Chairman Jackson called for the following additions to today's Agenda:

- *Item 5c RSA Rate Increases (Steve Hoffman)*
- Item 5d Rappahannock River Basin (Supervisor Weakley)
- Item 6e School State Funding Cuts
- Item 8c Signage (Supervisor Hoffman)
- *Item 10b- CIT Center (Supervisor Foster)*

Supervisor Weakley moved that the Agenda be adopted as amended, seconded by Supervisor Foster. Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).

2. Public Comment:

Chairman Jackson opened the floor for public comment. With no public comment being brought forth, the session was closed.

3. Constitutional Officers

Sheriff's Office

Erik Weaver, Sheriff, was present and provided a brief overview of the recent missing person's case; assistance was provided from surrounding and state emergency/rescue agencies (VDEM, State Police, etc.) as, as well as several citizens, family and volunteers; over 500 man-hours provided by law enforcement personnel over a four-day period (excluding fire, rescue, EMS and volunteers)

Emergency Management

John Scherer, EMS Coordinator, was present and also thanked all that provided assistance with the recent rescue mission; expressed appreciation for the tremendous amount of support that was provided and the variety of resources that were made available to the County during the search/rescue mission

Emergency Operations

Brian Gordon, Director of Emergency Communications, was present and also thanked all that provided assistance; exceptional amount of support provided to the County overall; over 571 man-hours provided by fire department personnel, and 90 menhours between EOC and Emergency Management staff

- Supervisor Foster: Thanked all that provided support during the recent rescue effort; advised that coordination of assistance (to include provision of water, food, etc.) was amazing
- > Chairman Jackson: Thanked all emergency services and law enforcement personnel, and volunteers that provided support to the County

4. County Departments

- i. TOTM Request Letter (Utilization of County Property [Kemper Residence, War Memorial & Beasley Park])
- ii. Request for a waiver of landfill fees (TOTM Festival Event)

Tracey Gardner, Director of Economic Development & Tourism was present and advised that the annual Taste of the Mountains Festival generally calls for the use of various County properties (i.e. Kemper Residence lawn and driveway, War Memorial Building lawn area, the county-owned property next to the Drug Store parking spaces and Beasley Park), and will call for the use of other areas needed for vendor/visitor parking (i.e. Waverly Yowell School, the lower lot behind the War Memorial Building, Madison County High School and the County Fair Grounds); the outside electrical on the War Memorial Building, Kemper Residence and the County Office Building will be needed for the use of musical stage evets. The Boy Scouts will assist with cleaning after the event. A waiver of landfill fees is also being requested.

Supervisor Weakley moved that the Board approve the use of County facilities as presented, and also waive the landfill fees for the 2018 Taste of the Mountains event, seconded by Supervisor Foster. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay:* (0).

Ms. Gardner also provided a brief update on the "Go Virginia" grant opportunity (totaling \$249,000.00); these funds will benefit the County to enhance the 'adult beverage industry' (i.e. crafting, wine brewing, etc.).

5. Reports from Committees and Organizations

a. Work session on Potential VDOT Smart Scale Projects: Nathan Umberger, VDOT

Nathan Umberger, VDOT, was present to provide highlights on sine potential funding for some transportation projects within Madison County. Highlights focused on the following:

- Project Readiness
- Project eligibility
- Regional Category

- Corridors of Statewide Significance (characteristics, arterial management plans)
- Restricted crossing U-turn (RCUT)
- Roundabouts
- Existing Conditions
- Crash Data Review
- Application #1, #2, #3

The County was asked to provide any concerns on today's proposed concepts. Additional next steps will involve:

- Refinement of conceptual designs for the applications
- Refinement of cost estimates for applications
- Preparation of technical report for application submittals
- Submitting applications before August 1'2018

Additional discussions focused on the danger of left turns on the freeway. The new concept being proposed is a bit safer. Due to the initial project having been funded through VDOT's safety program, the program requires VDOT to meet specific criteria (i.e. VDOT can only increase the amount of the project by 20%-25%. In closing, he noted that the pre-application process was due by June 1'2018 in order to provide VDOT with an idea of how many applications would be forthcoming across the State.

Comments on the Proposed Applications

#1 Proposal (Shelby Road)

Supervisor Foster: Questioned if local law enforcement has been asked if there are any concerns (i.e. proposed J-turn)

The County Administrator advised that the Board of Supervisors will be responsible for making the ultimate decision; however, law enforcement will be consulted to provide input.

#2 Proposal (Fairgrounds Intersection)

- Supervisor Weakley: Called for clarification regarding proposed crossover at the high school (across from Plaza Drive) [i.e. proposed concept will call for drivers to make a left turn (off Rt. 29N) into Madison Plaza]; drivers will be required to make a left turn only into the school lot; proposed crossover from Rt. 29 Business to Fairgrounds Road will allow a right turn only; Rt. 29S. intersection at Gibbs Road Wolftown/Hood Road will call for drivers to make a U-turn only
- Supervisor Weakley: Verbalized favor of removing the crossover on Rt. 29N;
- ➤ Supervisor McGhee: Verbalized concerns about safety

#3 Proposal (Pratts)

- Supervisor Weakley: Questioned the proposed roundabout at Pratts and if there would be any consideration to shave the existing hill and post a speed reduction'
- Chairman Jackson: Verbalized concerns about the project; questioned if the County will need to determine which application to proceed with (if not all three);

It was advised that the:

Proposed concept works with VDOT's existing budget

- If the County is in favor of the proposal, a public hearing will be scheduled in the fall in order to get the project underway
- ♣ Based on VDOT statistics, roundabouts tend to work well in smaller rural areas

The Board was advised that all three (3) applications could be submitted and that VDOT would like some consensus on today's proposals.

After discussion, it was the consensus of the Board to request that VDOT return on July 10, 2018 to provide further report on today's concept, design and cost estimates for the proposals, and to also receive input from local law enforcement personnel.

The County Administrator asked about VDOT's process for working with the school system and local law enforcement in order to attain some preliminary input.

Mr. Umberger advised that the above referenced personnel will be invited to attend the preliminary meeting process.

b. Blue Ridge Committee/SNP: Bruce Bowman, Committee Representative: Bruce Bowman, Committee Representative, was present and advised that the current SNP project is still in progress; nothing of any historical value has been discovered thus far during the dig. The BRC met recently. Highlights focused on:

Park operating with a flat budget (i.e. no increase/decrease in funding)

SNP is planning to hire a deputy superintendent

Resolutions proposing the fee increase were effective (i.e. SNP raised fee by only \$5.00 per vehicle)

SNP provides a significant economic impact on surrounding communities (i.e. provides jobs)

Visitation to White Oak Canyon has increased

Evidence of emerald ash and chronic wasting disease (in the park)

Park Neighbor Day scheduled for 6/17 from 11 a.m. to 4 p.m. (10% discount on meals and entrance fee for surrounding communities)

c. RSA Fee Increase: Steven Hoffman, Representative: Steve Hoffman, RSA Representative, was present and advised that an assessment (by localities) of long-term needs and costs was performed a few years ago. RSA has prioritized projects into a 10-year plan that will be split into a 5-year proposal. It's anticipated that the proposed rate increase will cover at least five (5) of the items noted on the prioritized list (i.e. extra holding area, run a large waterline, install a hydrant, run new line off of Mud Road, run a line beneath Rt. 29). In closing, the County was asked for guidance, and what the County would like to spend in the future. A public hearing will be scheduled for Tuesday, June 19th in the County Admin Building to answer questions from the citizens. It was also noted that Greene County has an increase in housing, with business growth moving slowly. In closing, he noted that the County has plenty of water, but a shortage of available sewer.

Comments

Supervisor Weakley: Referred to the County's comp plan that includes map to show specific areas (i.e. conservation, business, the Board to have a small workshop to discuss: *a) business areas within the County; and b) assess what areas need to be served*

d. Rappahannock River Basin Committee: Supervisor Weakley made reference to the Rapidan River Basin Committee meetings and the various issues that the committee discusses during the sessions. Due to the difficulty he's having with attending the meetings at the present time, the position was offered to other Board member(s) that may be interested in serving.

After discussion, it was the consensus of the Board to advertise the position to the public.

6. Finance

a. Claims

\$269,405.48 (6'8'18) \$ 72,666.25 (6'12'18) \$342,071.73(Total)

Highlights:

- \$12,000.00 (Ko-File [Library of Virginia])
- \$151,000.00 (four vehicles for law enforcement)
- \$55.000.00 (Waste Management Svcs. [April 2018])
- \$18,718.00 (Woodberry Forrest [i.e. erosion & soil bond]
- \$23,870.00 (Annual payments for radio equipment [E911])
- \$23,870.00 (VA Tech for partial salaries for Extension Office [4th quarter])

Questions on expenditures for:

• Clark Security (courthouse)

Supervisor McGhee moved that the Board approve Claims for June 2018 totaling \$342,071.75 as presented, seconded by Supervisor Foster. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).*

b. Supplemental Appropriation Requests

i. Viva Terra/Plow & Hearth (FY2018 Supplemental Appropriation #36_06122018 totaling \$71,258.99): The Finance Director advised that this request is the result of a grand utilized for the expansion of Plow & Hearth as a governor's developmental opportunity. These funds will need to be taken from the County's contingency fund, as these monies weren't budgeted.

Supervisor Hoffman moved that the Board approve Supplemental Appropriation request #36_06122018 in the amount of \$71,258.00 as presented, seconded by Supervisor McGhee. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).*

The County Administrator advised that the above referenced funds will need to be brought before the IDA Board prior these funds being memorialized. In closing, it was noted that the Board will need to reappoint a couple of members to the IDA Board.

ii. DMV Stop Fees (FY2018 Supplemental Appropriation #37_06122018 totaling \$4,610.00): The Finance Director advised that the Treasurer has requested these funds to be supplemented to cover the costs associated with placing DMV Stops on accounts that haven't fulfilled tax obligations.

Supervisor Foster moved that the Board approve Supplemental Appropriation #37_06122018 in the amount of \$4,610.00 as presented, seconded by Supervisor McGhee. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).*

iii. Clerk of the Circuit Court (FY2018 Supplemental Appropriation #38_06122018 totaling \$12,458.00): The Finance Director advised that the Clerk of the Circuit Court would like the above referenced funds to be supplemented, which involve grant funding received from the Library of Virginia.

Leeta Louk, Clerk of the Circuit Court, was present and advised that the funds should've already been received (by the County); these grant funds were applied for in order to fix some plat books. In closing, it was noted that an additional grant has now been applied for as well.

Supervisor McGhee moved that the Board approve Supplemental Appropriation #38_06122018 in the amount of \$12,458.00 as presented, seconded by Supervisor Weakley. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).*

c. Report on FY18 Budget & Pending End of Fiscal Year Actions:

d. Report on FY19 Budget Status & Pending Actions:

The Finance Director provided a schedule to reflect FY18 budget closeout and FY19 budgetary matters. The Code of Virginia allows a locality to amend the budget for two (2) months after the actual end of the fiscal year. The County has until the end of August to continue processing supplemental appropriations for FY18. (i.e. post year). Discussions focused on whether there will be additional appropriations needed from departments (i.e. EMS, Sheriff), due to the recent rescue operation.

Madison County

FY18 Budget Closeout & FY19 Budget Matters Proposed Schedule of Items to be Completed in June, July & August 2018

FY18 Budget Closeout Proposed Agenda Items

Board meeting

Tuesday, June 26, 2018

- FY18 Supplemental Requests as necessary * FY19 Supplemental Requests as necessary
- Preapproval of FY19 disbursements to be made on July 1st * Distribution of FY2019 Adopted Budget package (tentative)
- Approval to encumber funds for FY2018 with final amounts to be determined later; to extent possible, estimated encumbrances will be provided
- Assignment of FY2018 Fund Balances in compliance with County Financial Policies

Tuesday, July 10, 2018

- FY18 Supplemental Requests as necessary * FY19 Supplemental Requests as necessary
- Preliminary Projection of Year End CSA Expenditures

Tuesday, July 24, 2018

- FY18 Supplemental Requests as necessary * FY19 Supplemental Requests as necessary
- Motion to approve encumbering FY18 funds for outstanding commitments (with Final \$)

Tuesday, August 14, 2018

FY18 Supplemental Requests as necessary

Tuesday, August 28, 2018

- FY18 Supplemental Requests as necessary * FY19 Supplemental Requests as necessary
- Presentation of Estimated FY18 Results (Actual v Budget)

FY2019 Budget Matters

Tuesday, June 26, 2018

- FY19 Supplemental Requests as necessary
- Distribution of FY2019 Adopted Budget package (tentative)
- Appropriation of FY19 Operating Budget
- Appropriation of FY19 Capital Budget
- FY19 Supplemental Requests as necessary

Tuesday, July 10, 2018

FY19 Supplemental Requests as necessary

Tuesday, July 24, 2018

- FY19 Supplemental Requests as necessary
- Reappropriation of FY18 encumbrances

Tuesday, August 14, 2018

FY19 Supplemental Requests as necessary

Tuesday, August 28, 2018

FY19 Supplemental Requests as necessary

e. School System - Proposed State Funding Cuts:

Chairman Jackson advised that the state is imposing a \$275,000.00 funding reduction for the local school system. The school system has approved their budget by asking the County to allocate the above referenced funding amount. In closing, he suggested that he and Supervisor Weakley meet with school board members (to include Tina Cropp, Finance Officer and Matt Eberhardt, Superintendent, County Finance Director and County Administrator).

The Finance Director advised that the County's adopted FY19 budget for the school system doesn't need to match the school's adopted budget. It was further noted that the County doesn't have to appropriate the entire budget, and can appropriate a fraction of the budget instead.

After discussion, it was recommended that budgetary appropriations be done quarterly instead of monthly, and that a meeting also be scheduled with the above referenced personnel within the upcoming week.

7. Minutes: May 22, 2018 & June 6, 2018 Meetings

Chairman Jackson called for corrections or adoption of Minutes for May 22 and June 6, 2018.

Supervisor Foster called for a correction to Minutes of June 6, 2018 (Betty Grayson, Zoning Administrator was absent - Carol Davis, Assistant Zoning Administrator was present)

Supervisor McGhee moved that the Board adopt Minutes from May 22, 2018 and June 6, 2018, as corrected, seconded by Supervisor Foster. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay:* (0).

8. Old Business:

a. Potential Opioid Litigation: The Interim County Attorney referred to the recent presentations from legal counsels requesting to represent the County. Based on a follow-up meeting with the County Administrator, both entities provided information that doesn't respond to the questions that were asked, which was deemed to be intentional. It was further noted that both legal entities are concerned about revealing all of their strategies (i.e. information provided could harm the overall litigation process). In closing, both legal entities have expressed an interest in continuing discussions, but would like to do so without the public having access to the discussion. It was suggested (by the County Administrator) that the Interim County Attorney be the point of contact for all discussions from this point forth, and that further details be provided to the Board of Supervisors in a closed session forum. details within a closed session. Additionally, it was noted that future litigation will require staff/personnel time in order to produce information needed for the recovery process, and could be extensive. The opioid epidemic has cost, and will continue to cost (the locality) in the future.

After discussion, it was the consensus of the Board to allow the Interim County Attorney to communicate with the aforementioned legal entities and report findings to the Board, and that future discussions would transpire in a closed session forum.

- *b. Petition from Syria Mountain Estates Property Owners:* The County Administrator advised that today's petition was received on June 5, 2018, and relays enough interest on the issue to warrant discussions by the Board. No action is required at this time.
 - > Chairman Jackson: Noted that potential litigation is in place for the Syria Mountain Estates; suggested that Sean Gregg, Interim County Attorney, be asked to come discuss this matter in a closed session; any stance verbalized by the County will more than likely result in litigation toward the County

The Interim County Attorney also noted that, in his opinion, the matter is ready for litigation. There have been several requests for information (from various parties) on this matter. Additionally, it was noted that the ruling by the Madison County Circuit Court affirmed that the County doesn't have a duty to do anything regarding this matter.

After discussion, it was the consensus of the Board to conduct a closed session at the July 5, 2018 Joint Meeting session with Sean Gregg, Interim County Attorney.

c. Signs: Supervisor Hoffman advised that cost for proposed signage (similar to what's in place in Green County) will be about \$1,800.00 for 6x6 posts, but only printed on one side; suggested pricing also be researched to print "Welcome to Madison County" on both sides.

Supervisor Foster moved that the Board appoint Supervisor Hoffman move forward with Tracey Gardner (Economic Development & Tourism Director) and County Administrator Hobbs on the signage project, seconded by Supervisor Weakley. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay:* (0).

9. New Business:

10. Information/Correspondence

a. Status Report on Projects: The County Administrator provided a document that provided highlights on all open County projects:

- Reassessment
- Recodification
- FY19 budget & FY18 budget
- Vehicle Use Policy
- Social Services Building Lease Negotiations
- Emergency Services Coordinator
- Radio System Project
- Solid Waste Management Plan Update
- Water Supply Plan Update
- Updated Flood Plain Mapping & Ordinance
- CIP Committee
- Architectural & Engineering Consultant Procurement
- Approved Procurement
- Personnel Study
- County Vehicles Purchases
- Bids on Painting of Courthouse Cupola
- Roof Replacement on DSS Building
- Criglersville Property
- Rapidan Blueway
- Permits rec'd for Bldgs. Occupied by the Madison County Historical Society
- Increase in FOIA Requests

b. CIT Center: Supervisor Foster reported that the RRCSB has closed the CIT Center due to an incident that transpired (with a walk-in patient) on May 23rd. A site evaluation has been initiated. The Steering Committee will meet shortly to evaluate operations at the center. All patients are now being redirected to the Culpeper Regional Hospital emergency room for treatment.

Erik Weaver, Sheriff, reported that local law enforcement still has to deal with long distance transports that involve extensive travel time.

c. Dog Days of Summer Event (Madison Animal Shelter Fundraiser): Chairman Jackson advised the public of the upcoming "Dog Days of Summer" fundraiser event to benefit the Madison County Animal Shelter on June 23, from 12:00 p.m. to 6:00 p.m. at Ducard Vineyard.

d. School Window Project: Reported by Karen Allen, Madison County School Board, to be going well.

11. Public Comment

Chairman Jackson opened the floor for public comment.

The following individual(s) provided comments:

- Steve Hoffman: Verbalized disfavor of today's opioid litigation proposal to file litigation against pharmaceutical companies for the manufacture of a legal drug that's being misused by a third party
- Maria Lain: Concerns focused on the current concerns pertaining to Leathers Lane located in the Syria Mountain Estates; requested that the Board table all discussions until she, her husband and other interested parties have had the opportunity to respond to the petition that has been presented; also feels there is a reasonable solution to the issue at hand that concerns the existing gravel road
- John Lain: Advised that the petition was done without any communication from three (3) residents, although all residents (in the Syria Mountain Estates) were a part of a maintenance petition that was developed four (4) years ago

After discussion, Chairman Jackson suggested that a response and other pertinent information be provided to the Board and Interim County Attorney for further review and advisement.

After further discussion, it was clarified that the Board will discuss the Syria Mountain Estates in closed session at the August 1, 2018 Joint meeting, and that all landowners be notified of the proposed discussion.

IDA Board Appointments

The County Administrator advised of two (2) IDA Board members' whose terms have now expired.

After discussion, it was the consensus of the Board to assess whether the existing members would like to continue serving. Action and discussion will be initiated during the next meeting session.

12. Closed Session

a. Closed Session: On motion of Supervisor Weakley, seconded by Supervisor Hoffman, the Board convened in a closed session pursuant to Virginia Code Section 2.2-3711(A)(1) for discussion, consideration, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of the County Administrator and the County Attorney. Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).

b. Motion to Reconvene in Open Session:

On motion of Supervisor Weakley, seconded by Supervisor Hoffman, the Board reconvened in open session, with the following vote recorded: *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).*

c. Motion to Certify Compliance:

On motion of Supervisor Weakley, seconded by Supervisor McGhee, the Board certified by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code 2.2-3711(A)(1) and only

matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, with the following vote recorded: *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).*

As a result of closed session, the following action was taken:

1) County Administrator

Supervisor Weakley moved that the Board approve a 2% cost of living adjustment for County Administrator Hobbs, effective July 1, 2018, pursuant to his August 8, 2017 employment agreement, seconded by Supervisor Foster. Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).

2) County Attorney

Supervisor McGhee moved that the Board accept the retirement of County Attorney, V. R. Shackelford, III, as articulated in his letter dated June 8, 2018, seconded by Supervisor Foster. Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).

13.

Adjourn

With no further action being required, Supervisor Weakley, seconded by Supervisor McGhee, Chairman Jackson adjourned tonight's meeting. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).*

R. Clay Jackson, Chairman Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: June 26, 2018

Copies: Board of Supervisors, County Attorney & Constitutional Officers



Agenda

Regular Meeting (#1)

Madison County Board of Supervisors

Tuesday, June 12, 2018 4:00 p.m.

County Administration Building, Auditorium

414 N Main Street, Madison, Virginia 22727

Call to Order

Pledge of Allegiance & Moment of Silence

- 1. Determine Presence of a Quorum / Adopt Agenda
- 2. Public Comment
- 3. Reports from Constitutional Officers
- 4. Reports from County Departments
 - a. Economic Development & TourismEconomic Development Director Gardner
 - i. TOTM Request Letter (Utilization of County Property [Kemper Residence, War Memorial & Beasley Park])
 - ii. Request for waiver of landfill fees (TOTM Festival Permit)
- 5. Reports from Committees and Organizations
 - a. Work session on Potential VDOT Smart Scale Projects......Nathan Umberger, VDOT
 - b. Blue Ridge Committee/'SNP......Bruce Bowman, Committee Representative
 - c. RSA Rate Increase......Steven Hoffman, County RSA Representative
 - d. Rapidan River Basin.....Supervisor Weakley
- 6. Finance Finance Finance Oirector Costello
 - a. Claims
 - b. Supplemental Appropriation Requests
 - i. VivaTerra/'Plow & Hearth Grand (#36)
 - ii. DMV Stops Fees (#37)
 - iii. Clerk of Court Grant (#38)
 - c. Report pm FY18 Budget & Pending End of Fiscal Year Actions
 - d. Report on FY19 Budget Status & Pending Actions
 - e. School State Funding
- 7. Approval of Minutes: May 22 and June 6, 2018 Meetings
- 8. Old Business:
- 9. New Business:
- 10. Information/Correspondence

 - b. CIT Center....Supervisor Foster
 - c. Dog Days of Summer Event (Madison Animal Shelter Fundraiser)
 - d. School Window Project
- 11. Public Comment
- 12. Closed Session (Personnel)
- 13. Adjourn